

COBBETT'S WEEKLY POLITICAL REGISTER.

Vol. XIX. No. 20.]

LONDON, SATURDAY, MARCH 9, 1811.

[Price 1s.]

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SUMMARY OF POLITICS.

AMERICAN STATES.—(Continued from p. 559.) The public have seen, in the reports of the Proceedings in Parliament, several questions put to the Ministers, and some little discussions, about the state of our affairs with this country; and, in my last, at the pages preceding the one above referred to, I offered some observations upon the subject.—In order, however, clearly to understand the nature and state of the dispute between the two countries, the reader must go back to the last volume of the Register, p. 1185.—Since the date of the article here referred to, that is, since the 5th of December, some other documents relating to the subject have reached us, from America and also from France.—It will be seen by a reference to my article of the 5th of December, and the documents thereunto subjoined, that England stood pledged to repeal the Orders in Council as soon as France had repealed her *Berlin* and *Milan* Decrees, which, as the reader will bear in mind, came *after* some of those Orders in Council, of which the Americans complain.—Last Summer (see Vol. 18, page 1185 and onwards for the particular dates) France announced to America that these decrees *were repealed*; whereupon America called upon us to repeal our Orders in Council, to which she received no precise answer; but, the orders were not repealed.—As soon as the American President learnt that France had repealed her decrees, he issued a proclamation, declaring the *fact*, and also declaring (as he was authorized by a particular Act of Congress) that all the restrictions imposed on the shipping and commerce of France should then cease.—The same Act provided, that a *non-intercourse* should take place upon either of the parties, in three months from the date of such Proclamation, (see Vol. 18, p. 1215), unless that party followed the example of the other, in repealing the obnoxious Orders or Decrees; and, of course, this provision would go into effect against us on the 2nd of February last.—This is the reason why the American ships

have recently gone out unloaded, and why commerce with America is at a stand. We did not follow the example of France; we did not repeal our Orders in Council; we kept them in force; they are in force now; and, of course, we can have no commerce with America.—Of the documents, which have reached us since the date of the article in Vol. 18, above referred to, the first in order as well as importance is the American President's Message to the Congress at the opening of the Session on the 5th of Dec. 1810, and which will be found in the present Volume, at p. 48. The President there states, that the French have repealed their decrees; that England has not; that no conclusive answer has been obtained from her; that, of course, the non-intercourse act will go into execution against her on the 2nd of February; and he then suggests to the Congress whether it may not be proper to pass a law by way of adding to the efficacy of that already passed for the purpose.—The next document that reached us was a Letter of the Grand Judge of France, dated 25th Dec. 1810. This letter, which will be found in the present Volume, at page 85, and which was addressed to the President of the Council of Prizes, states that American vessels, after the 1st of November, have not been judged according to the *Berlin* and *Milan* Decrees, but are to *remain in sequestration*, until it be ascertained, that, on the 2nd of February, 1811, the American government enforces its law against England, in which case the sequestration is to be taken off.—The next documents will be found in the present Volume at page 466. There are eight of them; but they relate to the subject only incidentally. They contain the statements and reasonings in a *new* dispute between the American and French governments, relative to certain restrictions on importations into France, which restrictions, as the American government alleges, would *deprive America of all the benefit of a repeal of the Berlin and Milan decrees*; and, upon this ground, the American Secretary of State calls upon the French envoy

for explanations and modifications. — I have only noticed these documents, because, I see, they are relied upon by the defenders of our ministers as ground of defence for not repealing the Orders in Council, agreeably to the promise, which clearly made the duration of those orders depend upon that of the Berlin and Milan Decrees. But, I do not see how these documents can possibly operate in that way. They relate to a *new* dispute; they are of a date long posterior to the repeal of the French decrees; and, though they may possibly be looked to with the cheering expectation of their becoming the grounds of a new quarrel between France and America, it seems to me impossible to lug them into the old quarrel between America and us. — The last documents, relating to this subject, which have hitherto reached us, will, if I have room for them, be found in the present Number. They consist of a letter from Mr. PINCKNEY, the American minister here, to Mr. SMITH, Secretary of State in America, dated London, 5 Nov. 1810, and covering a copy of a letter from Mr. Pinckney to Lord Wellesley, dated 3 Nov. 1810; and also of the Bill, the necessity of which was suggested to Congress by the President, at the opening of the Session, for giving efficacy to the non-intercourse Act, to go into execution on the 2nd of February. — The letter from Mr. Pinckney (which, is the last of which we have, as yet, any knowledge) contains, as the reader will see, little more than a repetition of what was contained in his former letters. He again calls for a repeal of the Orders in Council; he presses his request more strongly; but, that is what he specifically calls for. — What answer he might afterwards receive, we do not yet know; but, we know that he has taken his *audience of leave*, and is about to depart, if he has not actually departed. — It is likely that Napoleon will take good care, that the breach between us and America shall not be closed, if he can possibly prevent it. He will, therefore, not fail to comply with the wishes of America in making such regulations in favour of their commerce as shall satisfy them, *provided they adhere to their non-intercourse with us*, which, as I have hinted in my last Number, is not at all inconsistent with the views of their government, nor, in the present altered state of things, with the permanent interests of their country. — The consequence of this will na-

turally be a state of things between us and America very little short of war; but, I do not think it will reach *that point*; for, if the American Government were disposed for war, which they are not, the people are not so disposed; and there the people pass for something. — They have nothing to *gain* by war, and war brings *taxes*, which they will not bear. They do not want, and they will not have, loans and contracts and jobs without end. There are no part of them but have *some* property; there are no set of men who have weight enough to carry measures against the people in general for the private emolument of themselves and families. In short, there are, in America, no set of men to whom *war* is a rich *harvest*. Therefore, I think they will not, if they can possibly avoid it, go to war; and, if Napoleon insist upon *that*, he will, I think, miss his mark. — But, as far as hostility to our *commerce* will go, he will have the Americans with him; and, it is to be expected, that they will resort to the seizure on *debts* due to British subjects in order to compensate those Americans, who have sustained injuries under our Orders in Council. There is, I see, an account ordered to be laid before Congress of the amount of such injuries; and, as the Americans always have about *ten or fifteen* millions of the money of our merchants and manufacturers in their hands, there will be ample means of compensation. — The justice or injustice of such a measure we are not now inquiring into. We are merely conjecturing what may be the fact and the consequences, which consequences would, doubtless, be extremely distressing to many worthy persons in this country, who have sent goods to America, and who can recover nothing from what has arisen out of the seizure of American vessels and goods. In short, such a measure would be, in the present state of things, a deadly blow to the manufacturers and merchants here; and, perhaps, for that very reason it may be adopted, especially if insisted upon by the Emperor of France. — What are we to do, then? Repeal the Orders in Council? That, I think, we shall not do; for, if it were done, what a commerce would be instantly thrown open with France, Holland, and the Hans Towns, all now in the dominions of France! I shall be told, that our *promise* requires it. So, indeed, it does; and, therefore, we ought to do it; but, if we do not substitute some-

thing else instead of the Orders in Council, we shall be here with our warehouses bursting, while the commerce of the continent and of America would be free as air; and, the ships of America would touch in England and Ireland merely for the purpose of taking in cargoes of *manufacturers and their tools*.—Lord Wellesley talks of the *commerce of the world* being put in its *former state*, before the Orders in Council are repealed. Alas! if that is the sole condition, those Orders are like the laws of the *Medes and Persians*; for never will he see the commerce of the world restored to its former state. We have long had laws, and we have them yet, for the *confiscation of foreign goods*. Napoleon has now made similar laws; and, if the Orders are to exist, 'till he repeal these laws and leave ours in force, I leave the reader to guess how long it is likely to be before our Orders will be repealed.—It has been acknowledged, in parliament, that Napoleon's restrictions have occasioned great part of our commercial distress. Indeed, all the world knew it; and this being known, is it to be supposed, that the system which has produced it will not be persevered in? It would be a folly far greater than any that yet has seized hold of us to suppose any such thing.—It is quite useless to talk about the *law of nations*, which is, and always has been, the *law given by the strongest*, or, in one word, *power*; sheer barefaced power. Where there is no arbiter; where there is no power to *decide between the litigants*, what nonsense is it to talk of *law*? Buonaparté takes the Hans Towns, and we took the Danish fleet. Buonaparté has taken Holland, and we received the Dutch fleet from the Stadholder. The question is, what is *expedient* to be done and what *can* be done. If we repeal our Orders in Council and give up the "*paper blockade*" as the Americans call it, we shall, for some time longer, have an intercourse and commerce with America, though that commerce must, from the causes stated in my last, daily diminish. But, to balance against this, the commerce of Holland and the Hans Towns and of France will all be carried on under the American flag; and, those articles of prime necessity in manufactures; the Cotton, the Indigo, and all other raw materials that are now *not wanted* in England, owing to the commercial system adopted upon the Continent, will, of course, go to the continent, where, for want of a supply of goods from England, manufactures will

grow up, and will, in a very short time, cut off the commercial connection *for ever* between England and the Continent.—It is fine talking, then, about "restoring the commerce of the world to its *former state*." Nothing short of the total, and almost instant, overthrow of Napoleon can effect this.—The Americans say to us: "Come; the French have revoked their Decrees; and now revoke your Orders, as you promised us you would."—"Aye," says Lord Wellesley, "so we will, whenever the repeal of the French decrees shall have *actually taken effect*." Well, but there is something more. "And the commerce of *neutral nations* shall have been restored to the condition, in which it stood previously to the promulgation of those decrees." This is new. This was not mentioned before. Now, we know, that, before the issuing of those decrees, American vessels could *take in goods in the Thames and carry them to any port of the Continent*, without the risk of the vessel or the goods being seized; and we know extremely well that that cannot now be done, Napoleon having passed decrees, like some of our revenue laws, for confiscating all goods manufactured in England, and all colonial produce coming from her, and having, in some cases, carried the thing so far as to cause such goods and produce to be burnt. His system for putting down smuggling seems to have surpassed ours, which was thought to be the most complete in the world. But, really, his troops and boats and douaniers seem to surpass in vigilance our dragoons and revenue cutters and excisemen.—Be this as it may, however, let the preference in point of vigilance belong to us or to him, and I am sure I do not wish to deprive our own establishment of the superior merit, if it possess it; but, this is of no consequence. The fact is, that he has declared all colonial produce and manufactures coming from England or Ireland or Scotland to be *smuggled goods*, and the persons having such in their possession, he has declared to be *smugglers*, and has made laws for punishing them accordingly; and such laws they appear to be as to have cut up the smuggling, root and branch.—This has produced a great change. This change has been produced since the issuing of the Berlin and Milan decrees. The *neutral ships* (that is to say, the American ships) can no longer save our goods by becoming the carriers of them to the Continent; and, therefore, Lord Welles-

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ley may say, that things will not be in the same state with regard to "*neutral commerce*" as they were in previous to the passing of the Berlin and Milan Decrees, *unless Napoleon does away also this new system of interdicting the entry of English goods.*—But, will say the Americans (and, indeed, they have said it), what have we to do with that matter? That is a point for you and for him to settle as you can. Every nation has a right to make what *internal* regulations it pleases; every nation has a right, as far as respects its own territory, to declare what it pleases to be contraband or smuggled goods; every nation has a right to make what laws it pleases for the regulating of the conduct of its own subjects; every nation has a right to punish the infringement or transgression of those laws in what manner it pleases; it may ruin the parties offending against such laws, it may transport them, it may imprison them, it may confiscate the goods, it may, in short, do what it pleases; and, you, the English, do not, we believe, fail to punish pretty handsomely those who are found with goods smuggled from France.—This is what the Americans will say; and they will say further, that they have no more right to insist upon forcing English goods into France than they have to insist upon forcing French goods into England. The right they claim is to carry from their own country what goods they please, and from one foreign country to another any goods which those countries choose to have carried. If we can prevail upon Napoleon to let them carry our goods to the continent, they are ready and willing to do it; but that is an affair between us and him, and with which, of course, it would be great presumption in them to meddle.—This is the real state of the case. We should, I suppose, very gladly repeal the Orders in Council, if Napoleon would re-open the continental ports to us; but *that he will not do.* He finds how sorely our Bank and our commercial mass have felt the effects of his system of exclusion; he sees how the system is working upon us; he knows well how closely our commercial and paper-money system is connected with our political system; and, is there, then, a man upon the whole earth so stupid as to suppose that he will abandon his measures of exclusion?—This system of his has arisen out of our Orders in Council, and so did the Berlin and Milan Decrees. Those decrees are now become of little use to him. He

would easily give them up, their place being so completely supplied by his *internal* regulations; and, now he gives them up to satisfy the law passed by the Americans, and *thereby to effect the exclusion of English goods from America as well as from the Continent of Europe.* And yet, to hear the Morning Post and the Courier, one would suppose that Napoleon was a sort of mad cap, who did every thing in a *passion*, and who totally neglected all the dictates of far-sighted policy.—He said long ago, that he would break up our system of *monopoly*, on which, he said, depended our paper-money. Whether he is in a fair way of doing it, or whether he made a vain empty threat, the public will very soon be able accurately to decide.—Our choice, as I said before, lies between an *exclusion of our goods from America as well as the continent*, and putting the continent in easy and cheap possession of the means of *doing without our goods for ever*, and, at the same time, filling the treasury of France, and making Holland, the Hans Towns, Flanders, and all the conquered countries rejoice at being united with France.—Mortifying alternative to those who think that the strength, safety, and happiness of England depend upon foreign commerce, of whom, however, I am not one.—But, of this more hereafter, when we have taken a view of a measure closely connected with this subject; namely, the proposition, now before Parliament, for affording relief to the merchants and manufacturers.

COMMERCIAL RELIEF.—On the first day of this month, Mr. PERCEVAL moved, in the House of Commons, for a Committee to be appointed to inquire into the state of Commercial Credit.—He said, as the report states, "*Various representations had reached him from manufacturing and mercantile people, of the disadvantages under which trade suffered, and which they attributed to the state of credit and the condition of the markets with which they were formerly in the habit of communicating.*" At first he did not believe that the evil prevailed to such an extent as had been stated, but so various were the representations, that he now thought it his duty to submit the present motion to the House, that they might ascertain its existence, and provide a remedy as soon as possible. He deprecated all discussion upon this occasion as premature, and recommended

"that they should wait to have the advantage of the Report. It was his intention that all the surviving Members of the Committee which was appointed upon a similar subject in the year 1793, should be upon the present, and that the number of the whole should be 21. He concluded with moving, That a Committee should be appointed to enquire into the State of Commercial Credit, and to report it to the House, together with its opinions and observations thereupon."—A little debate ensued, during which it was thrown out, that the embarrassments of the country arise from over-trading. What is meant by over-trading? Why, surely, people making or importing more goods than they can find customers for. Chaffer about it as long as the pamphleteers will, this is the true meaning of the words over-trading. —However, without going any further, let us take Mr. Perceval's own account of the thing.—"Disadvantages under which trade suffers owing to the state of credit and the condition of the markets, formerly open to the sufferers."—State of credit! why, man, every body suffers from a want of credit, or, from having less of it than he formerly had. And, what is meant by the "condition of markets formerly open;" why, to be sure, that these markets are now shut. And, this being the case, the remedy is very obvious, namely, the finding of new markets, which, of course, would, in an instant, remove the "disadvantages;" but, *how or where or when* to find these new markets, *abroad*, I, with all due deference, leave to George Rose and the Board of Trade, observing, in passing, that this description of Mr. Perceval does not seem to correspond very well with the opinions of Sir JOHN SINCLAIR as to the prosperous effects of an increase of Bank Notes.—But, let us take a little closer view of the matter.—What is the object? *For what* have all these suffering merchants and manufacturers applied to the Treasury? Why, *a loan of money*. A very natural application. Most men, who are in distress, apply for money where they think it likely to get any one to lend it them.—What a very pretty system this is, which was begun by "the great statesman now no more," to prop up the commerce in 1793; what an influence it must create; how completely dependent it must render these men upon the minister of the day; what very important effects it must produce in political

and party matters, and how it accords with the principles of free representation and a responsible ministry, every man with only one grain of sense in skull will easily decide; but, it is not in that light that I now wish to view it. I wish to view it merely in a commercial light. The immediate object of the applicants is to obtain a *loan of money out of that which the people have paid in taxes*. To determine whether it be advisable or not to grant their request, we ought to consider many things; but, at present, I will only inquire what *end* such loan would be likely to answer. The distress arises from *the want of markets for the sale of goods*; which is only another name for a *falling off in the value of the goods*; or, to express it in another way, it is another name for *losses in trade*. And, pray, if the present applicants are to be, by *gift or loan* (for it, in the end, is the same;) if these applicants are to have their losses in trade made good, or lessened; if they are to be thus propped up by the government, or, more properly speaking, by the people at large, why should not the same sort of support be extended to the 1670 Bankrupts who appeared in the Gazettes of last year, and to the 3000 Bankrupts who will appear in the Gazettes of this year, if the rest of the year be as prolific in Bankruptcies as the first two months of it have been? I really should be glad to know *why* all these persons are to be overlooked, if the present applicants are to have money lent to them to prop them up? The Bankrupts have failed from various causes; from indiscretions of one kind or another. But, is not *over-trading* an indiscretion too? They have, at any rate, all failed from *losses in trade*; and, it is, state it how you will, from losses in trade that the present applicants have been reduced to the necessity of asking for a loan out of the produce of the taxes.—Take this in another light. Inquire how many of the people are severely suffering in their pecuniary circumstances *from the weight of the taxes themselves*. Aye, how many have been reduced to the greatest distress; how many have received their last, their falling blow, from the taxes; and then what a thing is here? One part of the community sinking into ruin in the yielding of the means to prop up the credit of another part of that same community!—But, though it is hardly possible to withhold the reflecting mind from diverging at every step into views of this

sort, let us, if we can, confine ourselves to the bare question, whether the proposed loan is likely to answer any good purpose, even as to the borrowers themselves.—— Now, suppose a sum of this money to be given to a great manufacturer, who has a large stock of goods and cannot sell any. What is he to do with the money thus borrowed out of the taxes? Pay his debts? Very well. But what good will that do him in the *end*? He has the money to *pay back again* to the Treasury, and where is he to get it? Why, “from the *sale of his goods*, to be sure.” Aye, to be sure he must, if he can sell them; but, then, this argues the finding of a *new market*, or the *re-opening of the old ones*, which latter, so far from being re-opened, become daily more firmly closed.——Is he to use the money for the purpose of continuing his expenditure, either on himself and family or on his work-people? If the former, how is he to *repay*, and ought he not to reduce his expenditure as the only means of enabling him to keep out of the Gazette; and, if the latter, if the money you lend him is to be laid out upon labour in his manufactory, and upon materials, he will have *more goods* instead of less, and you will, by your loan, have insured that ruin, from which, if left to himself, he might have escaped; or, at least, you will have added to the weight of his fall, and have made it more destructive to all around him.——It is exactly the same with the West India merchant. What good will you do him by enabling him to pay his debts from a loan for the repayment of which his goods are to be held, I suppose, as a *pledge*? I do not know what the terms of the loan are proposed to be; but, I know that if *re-payment* is to take place, that the merchant, who *stands in need* of the loan, must find the means of re-payment out of the *sale of his goods*; and, that this sale must necessarily suppose some out-let, or market, which he cannot now find; some market *that does not now exist*; for, if it did exist, he would not stand in need of the loan.——This I am not afraid to assume as conclusive; and, therefore, the question is reduced to this simple point: is there the smallest probability of the *old markets being re-opened* or of finding *new ones*?——As to the former, I have, I think, submitted ample reasons for deciding it in the negative; but, as to the latter, the finding of *new markets*, I have myself a proposition to offer, for which, though

it should be rejected, I shall, I flatter myself, be entitled to some little commendation from those classes of my fellow subjects, with whom I have reason to fear I have been no very great favourite.——The *new markets*, which we have gained by the sword, in South America, have, alas! as I said they would, proved little less fatal than the South Sea Bubble of immortal memory; and, besides, these markets cost so much in the obtaining, that the full amount of the goods sold in them (or, rather, carried to them) would not half defray the cost of getting the market. I think it must be pretty certain, that four times as much money has been sent hence to the Brazils and to Spanish America as has come back in payment for goods.——As to ISLANDS; as to SUGAR colonies, we have been taking them, till we know not what to do with the produce, and may exclaim with the Copper Captain: “haste, haste, let us hence! I am like the people in the *sweet islands*; if I “stay here, I die!”——*New markets* then we can have none, unless, in return for sugar and coffee, which we cannot sell, and for which we cannot much longer find room, we send out our manufactures and clothe the negroes.——This brings me, at once, to my project of a new market; a market capacious, convenient, sure, and durable, setting Napoleon and all the world at defiance.——I have often been reproached with pointing out *evils* and not, at the same time, pointing out a *remedy*. This reproach is quite unfounded, though very catching, and it was always resorted to during the administration of the first successor of “the great statesman now no more,” Mr. Addington. But, must we find fault of nothing for which we cannot find a remedy? Who was to find a remedy for the Walcheren Expedition? Who were to bring the men to life again? And, therefore, was no one to find fault of it? Must no man find fault with the state of the paper-money, unless he can make gold come back again? This would be a fine security for folly and vice of all sorts, and would suit the case of speculator or murderer as well as that of any political offender.——Well, but, at any rate, I have now my *remedy*, and shall, with all becoming deference to the superior wisdom of the Committee, propose to state it.——It has been shown above, that all this commercial distress arises from the want of a *market* for our goods; that is to say, for *sugar and coffee*, and for divers

articles of *wearing apparel* and *household furniture*; for, as to *food*, or, as it was called in Queen Elizabeth's days, *vittal*, we find none too much of that, having at home an abundance of mouths for dispatching it.—Aye, and have we not *backs enough too for the cloths, and houses for the furniture?*—The reader needs no more.

His eyes are opened in a moment. Light bursts in upon him from every quarter. He sees all my plan in a moment; and wonders how it came to escape him. He has been looking *abroad*, seeking in foreign lands what was under his nose, as I have very often looked about the room for my pen while it was in my mouth.—*Backs!* Are we in want of them? Look at Ireland; look at Scotland; look at Wales; nay, look at many parts of England; look even at those very manufacturing towns where the goods are piled up to the cracking of the warehouses, and see if you can find no backs to cover! How many of these towns does the traveller pass through without being way-laid at the entrance and the exit by a swarm of children *more than half naked*, running and tumbling and bowing and praying and crying in the hope, often disappointed, of obtaining the means of buying an ounce of bread? Enter their dwelling places; see misery in all her horrors, hunger, filth, disease, the blood poisoned, and the heart hardened to a flint.—Talk of *national prosperity*, Sir John Sinclair, look here, and say, if you can, that I have exaggerated the picture. Talk of improvements in *roads and canals*! What is that, while the misery of the people, as the poor-rates will tell you, are daily increasing?—Talk of *roads and canals and bridges*! These are no signs of *national prosperity*. They are signs of *accumulated*, but not of *diffused* property, and this latter alone can insure *national prosperity*, which, rightly understood, is only another name for the *general happiness of the people*.—But, I have been led, I perceive, into another digression.—To come back to my subject, why should not all the goods, which cannot find a market abroad, be disposed of *in clothing the naked at home*? A couple or three millions would shoe and breech the people of the Hebrides and the Highlands, and twice the sum might clothe the Irish, and about the same as the former might very well be disposed of for a similar purpose in England and Wales. *Sugar and Coffee*, though not much known amongst any of the persons in

my view, would soon teach the possessors the use of them. And, as to the Household furniture, cloathing and the use of sugar and coffee would naturally call for tables and chairs and drawers and hooks and crockery ware and spoons and kettles and locks and keys; and hence the whole would go hand in hand.—Here would be 12 millions of money laid out? but it would not be *thrown away*; it would not be sunk in the sea; it would not be sent abroad; it would not be swallowed up in distant lands; it would produce no misery any where; it would occasion nobody to bleed or to suffer in any way; it would give immediate and effectual relief to the merchants and manufactures, while it would give comfort to the hearts of millions of their countrymen, and might lay the foundation of permanent happiness amongst those who are smarting under keen and constant misery.—Now, if Sir John Sinclair should tell me, that this is a foolish scheme, and that, in taking money out of the taxes to give to the *poor* to make up for the inadequacy of their means, I am acting contrary to all the sound principles of political œconomy, I beg leave to ask, whether this is not as reasonable as it would be to take money of the taxes to give to the *rich* to make up for the inadequacy of their means, especially as my scheme includes the *effectual* means of *relieving both rich and poor*?—At any rate here is my scheme; and, if Sir John, or any body else, does not approve of it, let him *find out a better*; and, till that be done, let him not *laugh*.

INFORMATIONS AND SPECIAL JURIES.—

I have, in a subsequent part of this Number inserted the speeches of Lords HOLLAND and ELLENBOROUGH, and their explanations.—The subject is of vital importance; and, though these speeches have been published in the News-papers, in precisely the same words, I think it my duty to give them here, in order that they may be read more deliberately, and referred to; and, in order, too, that they may be read all over the world.—I beg my readers to *omit no part* of them.—Lord ERSKINE's speech was of great importance, and I mean to give it in my next together with the answer of the Lord Chancellor.—This is a subject which all men are interested in; and it is my duty to keep the public attention closely rivetted to it, if I am able.

SOMERSETSHIRE MEETING.—From a letter inserted below, the reader will see what was the *nature* and what the *result* of the meeting in this county, which, it seems, has not, *in the memory of man*, seen a county meeting of *the people* before this.—A great deal was done. Many people were assembled; *discussion* took place; *truths* were uttered to them; they were told what they did not know and what they had no idea of; and, to prevent the Address proposed by the callers of the meeting from being carried, both INS and OUTS were obliged to unite, and to get together all that, with all their united means, they could muster, from every part of the county; and, after all, they carried their point by a majority of only about 7 to 5. This, therefore, I deem a great victory. The ground was new and untilled. It is now broken up; and the seeds of Reform are safely deposited in its bosom. The *yeomanry* and *tradesmen* have now seen that they are something; and, it shall go hard but they profit from the discovery.

WM. COBBETT.

State Prison, Newgate, Friday,
March 8, 1811.

TO THE
INDEPENDANT FREEHOLDERS
AND
INHABITANTS OF SOMERSETSHIRE.

GENTLEMEN; I cannot refrain from offering you my congratulation on the effect of the *first Public Meeting ever called in this County*.—Notwithstanding our opponents obtained a small majority against the Address which I had the honour to propose to you, on that day; yet I am clearly convinced, that you gained a more complete victory, in the full admission of the truth of all the leading parts of that Address, (by every one of those Gentlemen who spoke against its adoption) than you would have gained by a mere majority of numbers, without this unqualified admission of those facts. The Address pointed out, clearly and explicitly, the distressing situation of the country; and it stated, that the cause of all these distresses arose from a want of a fair and free Representation of the People in Parliament. These facts were explicitly acknowledged by Sir John Cox Hipplesly, who appeared to be the principal orator of both the parties, that united against the People on

that day, who said he was sorry to bear witness to the truth of my statement, "that there was at this time a million and a half of paupers in England, subsisting on parish allowance, which was 2lbs. of bread per head per week less than the allowance to felons confined in our jails." His only *answer* (if it might be called an answer) was, that there were 30 millions of paupers in *France*! He admitted that the cause of all the afflictions and misfortunes of this once free and happy nation, arose from the state of the Representation, and said, that he had always voted for that Reform, which was the object of our Address; but that he found "*this to be an improper time to accomplish it.*" On his being asked to *name the proper time*, he declined to make any answer. Now, as all the Gentlemen who spoke upon this subject completely agreed with Sir John, I contend it was a great victory obtained over the enemies of Reform; for, had we produced such an Address, and supported it in the same language of truth three years back, instead of having all our points admitted to be true, only that it was an *improper time* to enforce them; instead of this, all the facts would have been impudently denied, and the mildest appellations we should have been branded with, would have been *jacobins* and *levellers*. These three facts were clearly ascertained and allowed by all parties on that day; First, that it was proper the Freeholders and Inhabitants of the county of Somerset should assemble in County Meeting, for they all congratulated you upon your meeting; second, that, the country was in *an awful and distressing situation*; third, that it was highly necessary that there *should be a Parliamentary Reform*, only this was not the *proper time* for it, and that you, the Freeholders and Inhabitants of the County, were not the proper men to effect it. Pray, who are the proper men to effect it? Are Sir John Cox Hipplesly, Sir Thomas Ackland, Col. Horner, the Rev. Mr. Trevillian, and Justice Goodfard, likely men to bring about Parliamentary Reform? Do you believe, Gentlemen, that they will *ever* call you together and tell you *now* is the time for Reform? You saw and heard them all on Monday last, and if after this, you still believe that they are the sort of men likely to procure you an equal and fair Representation in Parliament; if you wait for these *leading men* as they have been called in your County, to bring about a Reform, you deserve not

even the chance of ever obtaining it. What could you discover in these Gentlemen to make you believe that they will ever attempt to tender you any relief from the load of taxes under which you groan? Did they promise you any such thing? Did they give you any reason to believe that they wish to have your opinion again? Although they have been called your *leading men*, did they ever assemble you in County Meeting? Will they ever do it? No, believe me, never. They heard too much of your sentiments that day, ever to wish to try the experiment again. That day the united influence of all the leading men, of all the magistrates, of all the men of large landed property, the coalition of both parties, the INS and the OUTS, and all their mighty influence, actively exerted for the last three weeks against you; and what has been the result? Why *truth*, unaccompanied by *any influence*, prevailed.—Although you divided in a minority in the proportion of 3 to 2, yet truth prevailed, and, be assured, there is now a firm foundation laid, for establishing the future independance of the County of Somerset.

I am, Gentlemen,

Your sincere humble servant,

Bath, March 6, 1811.

HENRY HUNT.

LIBEL LAW.

Speeches of LORD HOLLAND and LORD ELENBOROUGH, in the House of Lords, on the 4th of March, 1811, on the Motion made by the former for an Inquiry into the Number of Informations Ex Officio, filed by the Attorney General.

LORD HOLLAND (after some introduction) said:—It was well known that there were three modes of proceeding in cases of libels—the first was by action for damages, which had no reference to his Motion, nor had he the least intention of proposing any proceeding respecting actions, indictments or informations in cases of libel consisting of private slander, his intentions being confined to proceedings for public libels. The second mode of proceeding was by indictment found by twelve sworn men, after which there must be the verdict of twelve men to convict the party accused; and the third was by information. With respect to this latter mode of proceeding, the informations filed in the Crown Office against persons for libel, there was formerly scarcely any

difference between informations at the suit of parties, in which the King was the nominal prosecutor, and informations *ex officio* by the Attorney General. Great abuses, however, having arisen in the practice of filing their informations, by which in many instances parties were oppressed by being put to great expence, without ever being brought to trial, the Act of William and Mary was passed, declaring in the preamble the grievances which had arisen, and enacting that with the exception of informations filed *ex officio* by the Attorney General, no information should in future be filed without leave of the Court, that the party obtaining the information should enter into recognizance to prosecute it, and should be liable in costs to the Defendant, if the charge was groundless. If he could shew that the power of filing informations *ex officio* had been abused, that parties had been fined without trial in the expence they were compelled to incur, although never brought to trial, then, he contended, he should lay an ample ground for his motion. He did not mean to question the legality of informations *ex officio*, he was aware that the power of filing them rested upon a continued stream of precedent and the admission of the law, and that though, according to Sir Francis Winington, an *obiter dictum* of Lord Hale, directly questioned the legality of informations *ex officio*, yet there was every reason to believe that Lord Hale never delivered the opinion which he was thus supposed to entertain. Yet when a question upon this subject was under consideration in Parliament, and when within the memory perhaps of some who heard him, men of the greatest eminence, Serjeant Glynn, Mr. Wedderburn, afterwards Lord Loughborough, and Mr. Dunning, afterwards Lord Ashburton, had questioned the legality of informations *ex officio*, Mr. Dunning even throwing down the gauntlet, and decidedly stating, that an information *ex officio* was an abuse, it might surely be an apology for others not learned in the law of the land having doubts of the legality of this proceeding. He did not, however, intend to question the legality of informations *ex officio*; he admitted the force of a continued stream of precedent, and the admission of law; the Attorney General was considered a responsible officer of the Crown, and with a view to the safety of the government, a power was given to him to supersede the necessity of a Grand Jury; but the implication

of the law undoubtedly was, that this power ought only to be exercised in cases of enormous offence, where the safety of the Government was at stake; and that the parties ought with convenient speed to be brought to trial. If he could shew that this had not been the course, and that the power thus given had been abused, he trusted their Lordships would not refuse to call for the information he sought, and which might be derived from sources that were or ought to be open to all. The implication of law, that the power given to the Attorney General, of filing informations *ex officio*, was only to be exercised in cases of extraordinary emergency, was clearly laid down in Sir Matthew Hale. But if it was alleged that Sir Matthew Hale had a bias against this mode of proceeding, what said Mr. Justice Blackstone? Mr. Justice Blackstone, if he had any bias, it was undoubtedly in favour of whatever was the law and the constitution of the country; yet Mr. Justice Blackstone, in speaking of this power given to the Attorney General, stated, that the object of giving it was, that enormous misdemeanors, involving the safety of the state, and the prosecution of which did not admit of a moment's delay, might be instantly prosecuted without the delay of waiting for a Grand Jury. This, then, was the implication of law, as relating to these informations, and as laid down by the ablest writers. What he meant now to contend was, that this power had been (whether intentionally or not, God knows) perverted from the course given to it by law, and rendered the means of oppressing individuals, by the expences which they were forced to incur, although never brought to trial. He did not wish to go into individual cases, lest it might be said that he had a partiality for one or other individual; but when it was found, as the fact was, that from 1801 to 1807, there had been only fourteen informations filed *ex officio*, and that during the last three years there had been no less than forty-two filed, there surely must have been a most extraordinary increase of enormous offences. Of these forty-two informations only sixteen had been brought to trial, and yet notwithstanding the remaining twenty-six enormous offences, involving the safety of the State, the Government and the Parliament remained where they were. He was afraid that informations *ex officio* were now converted into the means of influence. In former periods they were used as the

means of extortion—in later times as the means of oppression, and now as the means of influence. If informations were filed against the proprietors of newspapers or of periodical publications, and kept hanging over their heads *in terrorem*, must it not have an undue and improper influence upon their conduct?—It was an abuse of the power to file informations against a number of persons proprietors of newspapers who had inadvertently copied a libel, instead of proceeding solely against the real author, where he could be ascertained. It was his opinion, that where the real author of a libel was given up, and there were the means of legal proof, that no proceeding should be had against the persons merely concerned in printing or publishing it; but what he contended against most strongly, was the converting informations of this nature into the means of influence by not bringing the parties to trial, and keeping the informations suspended over their heads. During the administration of his Noble Friend (Lord Grenville) who he lamented was not present, a worthy friend of his, Sir Arthur Piggot, was Attorney General, of whose innate love of the Constitution and eminent legal knowledge, it was superfluous for him to speak. By Sir Arthur Piggot, only one information *ex officio* was filed, and that was against the MORNING POST, in the case of a libel which had a tendency to excite mutiny in the troops sent on a foreign service, in stating that they were sent to sea in vessels that were not sea-worthy. This was considered by those who consulted with the Attorney General, and by the Attorney General himself, as an offence which admitted of no delay in the prosecution, as tending to excite mutiny in the troops and endangering the safety of the Government, and an information was therefore filed. That Administration went out of office, and Sir Vicary Gibbs succeeded to the office of Attorney General, who entered a *noli-prosequi* upon this information. It was said, that the real author of the libel had been privately given up to the Attorney General, but the author was not in the country, nor had there been any proof that he was the author. Was it the Protestant Letters in THE MORNING POST that had done this. At any rate, THE MORNING POST had been ever since supporting the Administration, and there was a strong ground of suspicion arising out of this transaction. This, however, was the only

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information *ex officio* filed by the Attorney General in the late Administration. Forty-two had been filed in the course of the three years succeeding, of which, as he had already stated, only sixteen had been brought to trial.—There was another great hardship arising out of the prosecution for libel, in consequence of the maxim established in law, that the King shall pay no costs. Were a different course to be followed, no doubt a very great additional expence might be thrown on the country. But a very heavy expence of, in general he believed, from 60*l.* to 100*l.* was thus thrown upon individuals, who, in very many instances, were by no means able to bear it. It may be necessary that an Attorney General should be trusted with this excessive power; it may be necessary that the person who is acquitted, or against whom all further prosecution is renounced, should be obliged to pay his own expences; but for that very reason, there was the strongest reason to watch over such an excessive power, which, from its nature, was so liable to be converted, in improper hands, into an instrument of oppression. It was the more necessary to watch over this power at present, when it was found that the only exception to the rigour of the Attorney General was the *MORNING POST*; that he selects, as the objects of his prosecution, the second hand parties in the libel, and that he frequently allows the prosecution to hang *in terrorem* over the heads of the principals. When *ex officio* informations are thus liable to be converted into an engine of power and authority, it must be the height of blindness, not to say stupidity, to say that the power is not liable to abuse, and has been abused.—There were circumstances, too, which had a tendency to make the abuse more severely felt, arising from the natural wish of persons in authority to carry the powers vested in them by the laws, to the utmost extremity. He wished to call their Lordships' attention particularly to two things regarding those powers which were lodged by the laws in the hands of the administrators of justice. The first of these related to imprisonment. He was of opinion that the power of imprisoning individuals in different jails was a power that was highly necessary and expedient, and a power that might also be frequently exercised to the advantage of the culprit; but then it was necessary that that particular jail selected for him should not be an aggravation of the culprit's punishment.

This was the more especially necessary when the author, the person who was principally guilty, was not selected, but the printers and publishers of the libellous production. It was undoubtedly hard and cruel to send these men, who are merely the subordinate agents, to jails in distant quarters of the kingdom, and at a great distance from the management of their ordinary business.—On the other point he did not wish to say much, indeed, he could have wished that it had not been necessary for him to have touched on it at all, namely, the subject of Special Juries. But as so many various reports, so many various insinuations, founded or unfounded, have been in circulation relating to Special Juries, an investigation into the subject became imperiously necessary. The observation of Lord Hale gave a countenance to an unfavourable opinion of Special Juries; for it was that great man's opinion that the application of Special Juries was not so favourable to the administration of justice as that of Common Juries. If that opinion was entitled to weight formerly, it was entitled to much more now: very material alterations had taken place regarding Special Juries of late years. So late as the latter end of the reign of George the Second, it was in the option of both parties in any suit, whether the cause should be tried by a Special Jury or by a Common Jury. The law, however, expressly provides that in capital cases no Special Juries shall be allowed. What does the law mean in this? Does it not mean that Special Juries are less favourable to the criminal than Common Juries? When life or limb are at stake, a Common Jury can alone try the crime. He did not say that Special Juries were less favourably disposed to a defendant than Common Juries; but he said that it was necessary to enter upon an inquiry, to prove to the world what foundation there was for such an opinion. If there is no foundation, if the opinion is erroneous, it is bad policy to endeavour to stifle all inquiry. If no abuse shall be found to exist, the circumstance should be made as clear as day, and the public will be satisfied. He did not mean to throw any imputations on the administration of that justice, for the administration of justice ought not only to be completely pure, but should not even be suspected. It became, therefore, the more necessary not to shrink from enquiry at present. When Special Juries were not allowed when life or limb

was concerned, that circumstance alone gave a right to enter upon an inquiry. It was not his intention, at present, to prove any thing against Special Juries; but he was entitled to say, that persons accused of a libel were exposed to this disadvantage, that they were proceeded against in a way not allowable in capital offences, and that they were tried by juries not allowable in capital prosecutions.—He begged to call their Lordships' attention to the policy of the mode of proceeding in regard to libel. Of all punishments, the object ought undoubtedly to be the example which it holds out. But taken in this point of view, in what respect is the prosecution of libel proper and advantageous to the community? The crime is not, but the consequences of it are increased a hundred fold. If libels appear, as they most frequently do, in periodical publications, they are doomed to live but for a very few days; but if they are again revived by the *ex-officio* information of an Attorney-General, the greatest possible diffusion is thereby given to them, and the consequences of the offence become enormously aggravated and increased.—From the circumstances which he had stated, from the cases which he had adduced, and the enumeration of hardships to which individuals were liable in consequence of this abuse, it would naturally be inquired, what was the remedy he had to propose? The subject, however, was not in that stage in which it became necessary to give his opinion of the nature of this remedy. It might be, perhaps, proper that something should be proposed in the shape of a resolution for the procuring of the prevention of *ex-officio* informations against those concerned in periodical publications after the lapse of a certain time; to compel the Attorney General either to bring the person accused to trial, or to enter a *noli prosequi*, or to state to the Court, from the difficulty of procuring witnesses, or some other material circumstance, for instance, why the trial could not proceed within a limited time; and for the sake of providing that, after the obtaining of a verdict, judgment shall immediately follow, or, at least, that that circumstance shall be in the discretion of the Court. These were the three most material points to be secured. In saying this, he did not mean to censure the conduct of the Attorney General. He was aware of the many estimable qualities of that Learned Gentleman. It was neces-

sary, however, that that conduct should be inquired into, and that the fullest examination should take place.—With respect to the Act of the 4th William III. allowing costs to persons exposed to expences by unfounded prosecutions, it was certainly an Act founded on the principles of substantial justice. He well knew, however, that it was contrary to the Law of England to subject the Crown to the payment of costs. But he thought that there should be some check to the power of the Attorney General in filing *ex-officio* warrants; and, notwithstanding what is said of the dangers resulting from the licentiousness of the press, it was possible, he thought, to reconcile the public good with justice to the individual.—And with regard to the licentiousness of the Press, he said their Lordships were not fully judges of the subject; for if their Lordships were to look back to the history of any free country, they would always find that in the opinion of men in power the present period was the period which was most licentious. It would be advantageous to look to former periods in the history of our own country, to times in which some of our most celebrated classical productions made their appearance. In them there will be found attacks upon the men in power, and the measures adopted by them, certainly to say the least of them, not yielding in any thing to what is to be seen in the productions of the present day. Let them take Pope for an example, and reflect on the severity of some of his productions; and yet those productions subjected him to no prosecution. Mr. Pope, however, was certainly never thought very well of by the Government under which he lived. Look to several of the productions of Swift—look to many of the libels which have been severely punished at former periods in the history of this country, and then look back to the libels which had occurred within the last three or four years. He did not mean to justify the licentiousness of the press; but it did not follow that every thing which might be construed into a libel was deserving of punishment. The danger of too strict an interpretation of the laws on this subject was greater than from an opposite conduct; for there was much greater danger to be apprehended from the press becoming the instrument of persons in power, and prostituted for the purpose of maintaining prejudice and delusion, than from being

abused by persons, who, for the sake of a livelihood, might choose to indulge in principles of malignity. His Lordship then said that many persons would assent to the truth of these observations, who would say that they were all very proper, and deserving of attention in ordinary cases; but the French Revolution had quite altered the nature of things, and what might formerly have been expedient was now to be avoided. At the period of the French Revolution, he never could be brought to entertain an opinion of any danger to be apprehended by this country from the adoption of very different sentiments; but when those sentiments were entertained during the French Revolution, they were then at least intelligible. Now, however, at the distance of ten years from that event, when the dangers to be apprehended from the doctrines diffused by the French press was no longer in existence, he could not see what application the French Revolution could have to the question. It reminded him of a Gentleman, who whenever he was urged to make a speech on any particular subject, or to make any great exertion whatever, used to allege that he could once have done so, before he had the measles. In this way he could not imagine what the French Revolution had to do with the discussion of the present question. It has been said that in times of great danger, any restrictions upon the power of the Crown upon this subject, would endanger the power of this country, and add to the power of the enemy. What attachment there could be in the people of this country to the enemy it was beyond his power to see. Amongst all the odious acts of that enemy there was nothing so odious and abominable, nothing so destructive of the interests, and inimical to the policy of the people over whom he ruled, as his vile restraints on the liberty of the press. It may be said, indeed, of the liberty of the press, that it may be licentious, that it may lead to excesses, and that it may even ultimately lead to scenes of bloodshed and confusion. But when he allowed this, he certainly carried the principle of danger as far as it could go. It was not fitting to ascribe evil qualities to the liberties of the press, which that liberty did not possess. It could never engender in the mind of a native of this country a love to Buonaparté, or a hatred to this country. Whatever may be thought of the bad consequences which

accompanied the freedom of the ancients, and of the excesses with which their history abounds, no man will yet venture to assert that the licence of speech which they enjoyed diminished in them the inclination of at all times opposing a foreign foe. That very French Revolution, against which so much abuse had been poured out in this country, was a remarkable example in proof of what he had been asserting. Did that liberty deaden the opposition of the French nation to a foreign enemy? The evils of that Revolution may be stated to have exceeded the benefits derived from it; and it may be also stated that the advantages of the excessive liberty of the press was more than compensated by its disadvantages; but surely it will not be insisted that it facilitated the way to foreign invaders. That very liberty of the press which Buonaparté has thought fit to suppress, was found to be the most powerful instrument in extending the conquests of the French Revolution. What could be more extravagant than to imagine that the people on this side of the Channel, a people attached to their own habits and manners, should ever become attached to the enemy of this country. All reasoning and all experience would lead to a very opposite conclusion. It was the maxim of our ancestors that when the country was in danger, and when every degree of sacrifice and privation became the duty of the subject, then was the time to begin the redress of grievances, that all hearts might be united in a common cause.—His Lordship then moved for *A list of all the individuals prosecuted on Ex Officio Informations for libel, from January 1801 to January 1811, and of the number of persons convicted in consequence thereof during that period.*

LORD ELLENBOROUGH could not see any grounds in the statement made by the Noble Lord which called upon their Lordships to grant the production of the documents moved for. In the whole of that statement there was but one instance adduced as a proof of the abuses alledged to have prevailed, and even that instance was not at the side of severity—it was a case wherein a *noli prosequi* was entered by the Attorney General in the progress of an information against the Morning Post: and was it on account of such an exercise of discretion, at the side of lenity too, that their Lordships were called upon to range through such a mass of papers as the motion comprehended? The time included

was from 1801 to 1810. He was aware that that was a period which took in the time in which so humble an individual as himself had the honour of filling the situation of Attorney General. Whether the Noble Lord meant to refer to his conduct, he knew not; but as the Noble Lord was silent with respect to it, and made no allusion to it, he did not think it necessary to defend what had not been attacked; at the same time he must say, in reference to those Learned Gentlemen who have succeeded him in that office, that he did feel that their discharge of their public duty, and their discretion in the discharge of it, ought not to be put to the question upon grounds lightly or captiously taken up. He did not see why persons in such stations ought to be made the objects of invidious investigation upon grounds of hazardous conjecture. As for the information sought for, what could the Noble Lord learn from those documents which he did not know already? If there were any matter of special interest to which he was anxious to refer, every facility in his (Lord Ellenborough's) power should not be wanting to the Noble Lord, to enable him to come at the required fact; but he was afraid that this was not the sort of facility that was either wished for or expected. He had reason to know that the facility with which inquiry in certain cases had been made, was painful to the parties making it. They might have their own reasons for wishing obstacles in the way of the information sought for; but with respect to one information required by the Noble Lord, if he had as yet met any obstacle, that obstacle he (Lord Ellenborough) should cheerfully assist to remove; but it was not to be informed that the Noble Lord had brought his present motion. The Noble Lord had talked in a high tone of an *obiter dictum* of Lord Hale's. If Lord Hale had ever said so, which he (Lord E.) believed he never had, his judgment must have been as dormant as in such case he must have wished the law itself to have been; but he never said so; it was not to be credited that a man so perfect in his knowledge of the laws and the Constitution as Lord Hale was, could possibly have said so. The law of informations not the law of the land! What was law if this was not? for it had been made law by the same authority that had made all the laws that held the Government together. It was as much law as that which gave the Noble Lord the

right of speaking in that House—it was as much law as the law which put the Crown of this realm on the brow of the Sovereign; but he would recommend the Noble Lord to trace back the law of informations. He could recommend him a book upon that subject, and would refer him to the case to be found in page 119 of Shower's History of the Law of Informations. He would there find the law of Information to be as old as the Common Law. If the Noble Lord questions the expediency of the law, why not propose that it be repealed? but while it is law, law undoubted and acknowledged, let him not question its legality—(Here Lord Holland intimated that he never had disputed its legality)—the authority of Mr. Dunning, unquestionably very high authority, and which had been so often cited by another Noble Lord, had been here relied on against this law. He was certainly good authority, but not, perhaps, at the side at which he had been quoted, as he had himself taken an active part in libel prosecutions, and often pocketed the fees under this very law. But it seemed that it had been made more grievous by recent enactments. He had expected something from the Noble Lord that night against the Indictment Bill. When the Noble Lord formerly opposed that Bill, he did not expect that this opposition would then have concluded—*nondum finitus Orestes*. The Bill here alluded to was an act made within the last four years, giving the Attorney-General power to hold persons to bail, against whom informations *ex officio* had been filed. On receiving notice of the Noble Lord's present motion, he was curious to know how often this Bill had been acted on. He inspected the necessary documents accordingly. And now he would ask their lordships how often did they think this Bill had been acted upon since its enactment? but once in the whole four years; there was but one solitary instance of its being acted upon—and he would tell their Lordships in what case that was—the case of a man, one Gorman, who, after having been prosecuted for a libel, and after an information had been filed against him, had the hardihood to publish it again—And yet this was the mighty abuse of that act—this, forsooth, was one of the ruinous stretches of power which threatened the Government with subversion, and put the subjects of George the Third on a par with those of Buonaparté! He knew nothing

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more to be deprecated in that House than violent and vague declamations, resting upon no grounds (*Hear! hear!* from Lord Holland.) He was aware to what he subjected himself by what had fallen from him. The Noble Lord might call all that he had said a mere *tirade*; but in all that he had said, did he not bottom himself on facts. (*Hear! hear!* from Lord Holland.) The cries of the Noble Lord could not convince him that he had not. He was used to tumults and alarms—they never yet could put him down. Were he to die the next moment, he never would yield for one moment to tumult. The Noble Lord, if not towards him (Lord E.,) might, at least in courtesy towards the House, adopt a different tone of exclamation. He repeated that he knew nothing more mischievous in its tendency than inculcating the public mind with groundless apprehensions of imaginary evils. Where there has appeared to him any instance of going beyond the limits of a wise discretion, it had never passed unbranded by him. His abhorrence of the licentiousness of the press was founded upon his love of liberty, which burned as strong in his breast as in that of the Noble Lord. If there was one mode more efficacious than another to ruin the liberty of the country, it was by generating that groundless distrust in the great Officers of Justice, which such needless and vexatious jealousy was calculated to inspire.

LORD HOLLAND claimed of their Lordships' justice, their attention for one moment. He appealed to their recollection, both as to what had been said by him, and as to the manner in which it had been attempted to be answered. He would not say, merely, that the Learned Lord had not stated the facts, but that he had stated what was directly contrary to the facts; the Learned Lord had charged him with denying the legality of informations. He had not only not denied their legality, but had avowed his conviction of their legality. When the Learned Lord complained of want of courtesy, he should himself shew more courtesy to the recollection of the House (*here Lord Ellenborough motioned to rise*). The Learned Lord who had been so long in the habit of enforcing the laws elsewhere, ought to be, at least, so far skilled in the laws and orders of that House, as to know that no Noble Lord had a right to interrupt another while in the act of explanation. There were other points to which, in

strict explanation, he could not now perhaps refer, though it did fall within the limits of general parliamentary explanation to advert to. He had stated many other grounds, besides the solitary one commented on by the Learned Lord. Why was the Learned Lord wholly silent upon the numbers of informations which had been filed within a limited period? Was not this a ground, and had he not stated it? Had he not also stated the time which in many instances had been allowed to elapse between the information and the trial? Was this no ground? Had he not also mentioned the practice of hanging over the heads of the persons accused, informations which had been afterwards abandoned? The Learned Lord's speech, he repeated, was throughout a complete mis-statement and misapprehension of his facts and reasoning. He should reserve what else he had to say for his reply at the end of the debate.

LORD ELLENBOROUGH, in explanation, said, that while the Noble Lord was professing not to dispute the legality of informations, he was, in fact, questioning it.

After a pretty long debate, the House divided, 12 for the motion and 24 against it.

OFFICIAL PAPERS.

AMERICA AND ENGLAND.—*Letters of Mr. PINKNEY, laid before Congress by the President Mr. MADISON, 12 Jan. 1811.*

Letter to the American Secretary of State from Mr. Pinkney. London, 5 Nov. 1810.

SIR,—I have presented a second note, of which a copy is enclosed, to Lord Wellesly, on the subject of the Orders in Council, under an impression that the state of the King's health (for which I beg to refer you to the paper herewith transmitted) did not render it improper, and that if it was improper on that account, it was indispensable on every other.—The day had gone by when the Berlin and Milan Decrees were to cease to operate, according to the communication made by the Government of France to the American Minister, at Paris, and published in the official journal of that Government: and yet no step whatever had been taken, or apparently thought of, towards the revocation of the British Orders. I had received no explanation of the reasons of this back-

wardness, and no such assurance, looking to the future, as could justify an opinion that it would not continue. Lord Wellesley's letter of the 31st of August, which I had left unanswered till the 1st of Nov. that I might stand on the strongest possible ground when I did answer it, made no profession of its being a present measure, and (though, from obvious motives, I have not so represented it in my note to him) was vague and equivocal as a prospective pledge. It defined nothing, and was so far from warranting any specific expectation, that it seemed rather to take away the very little of precision which belonged to former declarations on the same point. It was highly important to the commerce of the United States, that this ambiguity should be cleared away, with all practicable expedition; and if it could not be removed, that no presumption should be afforded of a disposition on the part of the United States to acquiesce in it. My note to Lord Wellesley was written and delivered upon these inducements.—In the King's actual situation, the Orders in Council can scarcely be formally recalled, even if the Cabinet are so inclined; but it does not follow that something may not be done, though I have no reason to think that any thing will be done, which may be productive of immediate advantage: and, at any rate, prepare the way for the desired repeal.—I am, Sir, with great consideration, &c.—WM. PINKNEY.

MR. PINKNEY to Lord Wellesley.—*Great Cumberland Place, Nov. 3, 1810.*

MY LORD;—In my note of the 25th of August, I had the honour to state to your Lordship, that I had received from the Minister Plenipotentiary of the United States at Paris, a letter dated the 6th of that month, in which he informed me, that he had received from the French government, a written and official notice, that it had revoked the Decrees of Berlin and Milan; and that after the 1st of November those Decrees would cease to have any effect; and I expressed my confidence, that the revocation of the British Orders in Council of January and November, 1807, and April, 1809, and all other orders, dependent upon, analogous to, or in execution of them, would follow

of course.—Your Lordship's reply of the 31st of August to that note, repeated a declaration of the British Minister in America, made, as it appears, to the Government of the United States, in February, 1808, of "His Majesty's earnest desire to see the commerce of the world restored to that freedom which is necessary for its prosperity, and his readiness to abandon the system which had been forced upon him, whenever the enemy should retract the principles which had rendered it necessary;" and added an official assurance, that, "Whenever the repeal of the French decrees should have actually taken effect, and the commerce of neutral nations should have been restored to the condition in which it stood previously to the promulgation of those decrees, his Majesty would feel the highest satisfaction in relinquishing the system which the conduct of the enemy compelled him to adopt."—Without departing in any degree from my first opinion, that the United States had a right to expect, upon every principle of justice, that the prospective revocation of the French decrees would be immediately followed by at least a like revocation of the Orders of England, I must remind your Lordship, that the day has now passed when the repeal of the Berlin and Milan edicts, as communicated to your Lordship in the note above mentioned, and published to the whole world by the Government of France in the *Moniteur* of the 9th of September, was by the terms of it to take effect. That it has taken effect cannot be doubted; and it can as little be questioned, that, according to the repeated pledges given by the British Government on this point (to say nothing of various other powerful considerations) the prompt relinquishment of the system to which your Lordship's reply to my note of the 25th of August alludes is indispensable.—I need scarcely mention, how important it is to the trade of the United States, that the Government of Great Britain should lose no time in disclosing with frankness and precision its intentions on this head. Intelligence of the French repeal has reached America, and commercial expeditions have, doubtless, been founded upon it.
(*To be continued.*)